

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

JONATHAN MIMUN (A/K/A
JONATHAN MAYMON)
and RONN BENHARAV,

Defendants.

Case No. 2:21-cv-01314-ART-MDC

**AMENDED
FINAL JUDGMENT AS TO
DEFENDANT DEFENDANTS
MIMUN AND BENHARAV**

1 The Securities and Exchange Commission (“SEC”) has filed a Complaint
2 against Defendants Jonathan Mimun (“Mimun”) and Ronn BenHarav (“BenHarav”).
3 Mimun and BenHarav failed to appear or otherwise respond to the Complaint and
4 the Clerk entered an order of default against them on September 9, 2022. ECF No.
5 17. The SEC filed a Motion for Entry of Default Judgment against each Defendant,
6 ECF No. 18, who did not oppose the motion or otherwise respond. On March 29,
7 2024, the Court granted the SEC’s motion and entered judgment against Defendants.
8 ECF No. 20. The SEC subsequently filed a Motion to Amend the Judgment, ECF
9 No. 21, which neither Defendant opposed.

10 Having reviewed the SEC’s Motion for Entry of Default Judgment and the
11 Motion to Amend the Judgment, and being duly advised, IT IS HEREBY
12 ORDERED, ADJUDGED, AND DECREED, that the SEC’s Motion to Amend the
13 Judgment against Mimun and BenHarav is GRANTED.

14 **I.**

15 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants
16 Mimun and BenHarav are permanently restrained and enjoined from violating,
17 directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the
18 “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17
19 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce,
20 or of the mails, or of any facility of any national securities exchange, in connection
21 with the purchase or sale of any security:

- 22 (a) to employ any device, scheme, or artifice to defraud;
23 (b) to make any untrue statement of a material fact or to omit to state a
24 material fact necessary in order to make the statements made, in the
25 light of the circumstances under which they were made, not misleading;
26 or

- 1 (c) to engage in any act, practice, or course of business which operates or
2 would operate as a fraud or deceit upon any person.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
4 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
5 binds the following who receive actual notice of this Final Judgment by personal
6 service or otherwise: (a) either Defendant's officers, agents, servants, employees,
7 and attorneys; and (b) other persons in active concert or participation with either
8 Defendant or with anyone described in (a).

9 **II.**

10 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
11 Defendants Mimun and BenHarav are permanently restrained and enjoined from
12 violating Section 17(a) of the Securities Act of 1933 (the "Securities Act") [15
13 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or
14 instruments of transportation or communication in interstate commerce or by use of
15 the mails, directly or indirectly:

- 16 (a) to employ any device, scheme, or artifice to defraud;
17 (b) to obtain money or property by means of any untrue statement of a
18 material fact or any omission of a material fact necessary in order to
19 make the statements made, in light of the circumstances under which
20 they were made, not misleading; or
21 (c) to engage in any transaction, practice, or course of business which
22 operates or would operate as a fraud or deceit upon the purchaser.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
24 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
25 binds the following who receive actual notice of this Final Judgment by personal
26 service or otherwise: (a) either Defendant's officers, agents, servants, employees,
27 and attorneys; and (b) other persons in active concert or participation with either
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1 Defendant or with anyone described in (a).

2 **III.**

3 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
4 Defendants Mimun and BenHarav are permanently restrained and enjoined from
5 violating Section 5 of the Securities Act [15 U.S.C. § 77e] by, directly or indirectly,
6 in the absence of any applicable exemption:

- 7 (a) Unless a registration statement is in effect as to a security, making use
8 of any means or instruments of transportation or communication in
9 interstate commerce or of the mails to sell such security through the use
10 or medium of any prospectus or otherwise;
- 11 (b) Unless a registration statement is in effect as to a security, carrying or
12 causing to be carried through the mails or in interstate commerce, by
13 any means or instruments of transportation, any such security for the
14 purpose of sale or for delivery after sale; or
- 15 (c) Making use of any means or instruments of transportation or
16 communication in interstate commerce or of the mails to offer to sell or
17 offer to buy through the use or medium of any prospectus or otherwise
18 any security, unless a registration statement has been filed with the
19 Commission as to such security, or while the registration statement is
20 the subject of a refusal order or stop order or (prior to the effective date
21 of the registration statement) any public proceeding or examination
22 under Section 8 of the Securities Act [15 U.S.C. § 77h].

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
24 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
25 binds the following who receive actual notice of this Final Judgment by personal
26 service or otherwise: (a) either Defendant's officers, agents, servants, employees,
27 and attorneys; and (b) other persons in active concert or participation with either
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1 Defendant or with anyone described in (a).

2 **IV.**

3 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
4 Defendants Mimun and BenHarav are permanently restrained and enjoined from,
5 directly or indirectly, controlling any broker or dealer which is either a person other
6 than a natural person or a natural person not associated with a broker or dealer which
7 is a person other than a natural person (other than such a broker or dealer whose
8 business is exclusively intrastate and who does not make use of any facility of a
9 national securities exchange) who violates Section 15(a)(1) of the Exchange Act [15
10 U.S.C. § 78o(a)] by making use of the mails or any means or instrumentality of
11 interstate commerce to effect any transactions in, or to induce or attempt to induce
12 the purchase or sale of, any security (other than an exempted security or commercial
13 paper, bankers' acceptances, or commercial bills) without being registered in
14 accordance with Section 15(a)(1) [15 U.S.C. §78o(b)], unless Defendant acts in good
15 faith and does not directly or indirectly induce the act or acts constituting the
16 violation.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
18 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
19 binds the following who receive actual notice of this Final Judgment by personal
20 service or otherwise: (a) either Defendant's officers, agents, servants, employees,
21 and attorneys; and (b) other persons in active concert or participation with either
22 Defendant or with anyone described in (a).

23 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
24 Defendants Mimun and BenHarav are permanently restrained and enjoined from
25 aiding and abetting any violation of Section 15(a)(1) of the Exchange Act [15 U.S.C.
26 § 78o(a)] by knowingly or recklessly providing substantial assistance to any broker
27 or dealer which is either a person other than a natural person or a natural person not
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1 associated with a broker or dealer which is a person other than a natural person (other
2 than such a broker or dealer whose business is exclusively intrastate and who does
3 not make use of any facility of a national securities exchange) who violates Section
4 15(a)(1) of the Exchange Act [15 U.S.C. § 78o(a)] by making use of the mails or
5 any means or instrumentality of interstate commerce to effect any transactions in, or
6 to induce or attempt to induce the purchase or sale of, any security (other than an
7 exempted security or commercial paper, bankers' acceptances, or commercial bills)
8 without being registered in accordance with Section 15(a)(1) [15 U.S.C. §78o(b)].

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
10 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
11 binds the following who receive actual notice of this Final Judgment by personal
12 service or otherwise: (a) either Defendant's officers, agents, servants, employees,
13 and attorneys; and (b) other persons in active concert or participation with either
14 Defendant or with anyone described in (a).

15 V.

16 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
17 Defendants Mimun and BenHarav are jointly and severally liable for disgorgement
18 of \$25,777,909.10, representing net profits gained as a result of the conduct alleged
19 in the Complaint, together with prejudgment interest thereon in the amount of
20 \$7,324,621.53, and that Mimun is liable for a civil penalty in the amount of
21 \$12,888,954.00 pursuant to Section 20 of the Securities Act [15 U.S.C.
22 §§77t(d)(2)(C)] and Section 21 of the Exchange Act [15 U.S.C. §78u(d)(3)(B)(iii)],
23 and that BenHarav is liable for a civil penalty in the amount of \$12,888,954.00
24 pursuant to Section 20 of the Securities Act [15 U.S.C. §§77t(d)(2)(C)] and Section
25 21 of the Exchange Act [15 U.S.C. §78u(d)(3)(B)(iii)]. Defendants shall satisfy
26 these obligations by paying these amounts to the Securities and Exchange
27 Commission within 30 days.

1 Defendants may transmit payment electronically to the Commission, which
2 will provide detailed ACH transfer/Fedwire instructions upon request. Payment may
3 also be made directly from a bank account via Pay.gov through the SEC website at
4 <http://www.sec.gov/about/offices/ofm.htm>. Defendants may also pay by certified
5 check, bank cashier's check, or United States postal money order payable to the
6 Securities and Exchange Commission, which shall be delivered or mailed to:

7 Enterprise Services Center
8 Accounts Receivable Branch
9 6500 South MacArthur Boulevard
Oklahoma City, OK 73169

10 and shall be accompanied by a letter identifying the case title, civil action number,
11 and name of this Court; Defendants' names as defendants in this action; and
12 specifying that payment is made pursuant to this Final Judgment.

13 Defendants shall simultaneously transmit photocopies of evidence of payment
14 and case identifying information to the Commission's counsel in this action. By
15 making this payment, Defendants relinquish all legal and equitable right, title, and
16 interest in such funds and no part of the funds shall be returned to Defendants.

17 The Commission may enforce the Court's judgment for disgorgement and
18 prejudgment interest by using all collection procedures authorized by law, including,
19 but not limited to, moving for civil contempt at any time after 30 days following
20 entry of this Final Judgment.

21 The Commission may enforce the Court's judgment for penalties by the use
22 of all collection procedures authorized by law, including the Federal Debt Collection
23 Procedures Act, 28 U.S.C. § 3001 *et seq.*, and moving for civil contempt for the
24 violation of any Court orders issued in this action. Defendants shall pay post
25 judgment interest on any amounts due after 30 days of the entry of this Final
26 Judgment pursuant to 28 U.S.C. § 1961. The Commission shall hold the funds,
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1 together with any interest and income earned thereon (collectively, the “Fund”),
2 pending further order of the Court.

3 The Commission may propose a plan to distribute the Fund subject to the
4 Court’s approval. Such a plan may provide that the Fund shall be distributed
5 pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of
6 2002. The Court shall retain jurisdiction over the administration of any distribution
7 of the Fund and the Fund may only be disbursed pursuant to an Order of the Court.

8 Regardless of whether any such Fair Fund distribution is made, amounts
9 ordered to be paid as civil penalties pursuant to this Judgment shall be treated as
10 penalties paid to the government for all purposes, including all tax purposes. To
11 preserve the deterrent effect of the civil penalty, neither Defendant shall, after offset
12 or reduction of any award of compensatory damages in any Related Investor Action
13 based on any payment of disgorgement in this action, argue that they are entitled to,
14 nor shall they further benefit by, offset or reduction of such compensatory damages
15 award by the amount of any part of the payment of a civil penalty in this action
16 (“Penalty Offset”). If the court in any Related Investor Action grants such a Penalty
17 Offset, Defendants shall, within 30 days after entry of a final order granting the
18 Penalty Offset, notify the Commission’s counsel in this action and pay the amount
19 of the Penalty Offset to the United States Treasury or to a Fair Fund, as the
20 Commission directs. Such a payment shall not be deemed an additional civil penalty
21 and shall not be deemed to change the amount of the civil penalty imposed in this
22 Judgment. For purposes of this paragraph, a “Related Investor Action” means a
23 private damages action brought against either Defendant by or on behalf of one or
24 more investors based on substantially the same facts as alleged in the Complaint in
25 this action.

VI.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. §523, the allegations in the complaint are true and admitted by each Defendant, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by each Defendant under this Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation by each Defendant of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §523(a)(19).

VII.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants Mimun and BenHarav (including but not limited to, through any entity they own, operate, manage or control) are permanently restrained and enjoined from, (a) directly or indirectly, inducing or attempting to induce the purchase or sale of binary options, security-based swaps, or other securities over the Internet, via email or other forms of electronic communication; (b) directly or indirectly causing any person or entity to engage in any activity that is for the purpose of inducing or attempting to induce the purchase or sale of binary options, security-based swaps, or other securities over the Internet, via email or other forms of electronic communication; (c) deriving compensation from any activity inducing or attempting to induce the purchase or sale of binary options, security-based swaps, or other securities over the Internet, via email or other forms of electronic communication; but (d) not from buying or selling securities for their own personal accounts.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Final Judgment by personal

1 service or otherwise: (a) either Defendant's officers, agents, servants, employees,
2 and attorneys; and (b) other persons in active concert or participation with either
3 Defendant or with anyone described in (a).

4 **VIII.**

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court
6 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this
7 Final Judgment.

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9 Dated: April 26, 2024

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UNITED STATES DISTRICT JUDGE
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